

**MCLUAC (Middle Canyon Land Use Advisory Committee)**  
**Minutes from August 25, 2020 meeting**

Call to Order

Committee Members:

- Terry Divoky 12/30/20
- Aubrie Lorona 12/31/21
- Larry Parsons (former Secretary being replaced by Aubrie Lorona)
  
- Mark Mussman, Director Flathead County Planning and Zoning

Approval of revised Agenda (amended items in red)

- Aubrie motioned to approve amended agenda, Terry seconded.

Approval of July 28, 2020 minutes as amended

- Aubrie motioned to approve amended minutes, Terry seconded.

Old Business

- Steve Frye, chair of the Seasonal Housing Ad Hoc Committee, has been trying with no success to get a hold of the County Health Department to come talk to the committee about the sanitation and camp licensure requirements. Since he can't get a hold of them, he hasn't been able to schedule another meeting
- Aubrie Lorona will be approved by County Commissioners this Thursday 8/27/20 to replace Larry Parsons as secretary on the MCLUAC committee
- Terry Divoky got a hold of Matt Jones who is in charge of BNSF grants. BNSF does not give grants for any property that they own, only to community projects outside their property. They would be happy to give grants for these types of projects (i.e. Glacier Gateway Trail). Regarding the overpass, Matt said we could pull a committee of citizens together to raise the funds and they will issue a permit to allow us to do what we want to do. Nothing has been done to the overpass for about 20 years since Sally Thompson and crew re-painted, which only lasted for a few years. Sand blasting and re-sealing with a special sealant you can do in any color you choose is about \$30,000, but would be a much longer term fix. Terry is going to explore other grant options. There's some debate about who owns the slice of land right by the entry to the Park (BNSF or DOT). No one wants to claim it and there's an issue with the nap weed. Mark Mussman suggested looking to the Gateway to Glacier trail for funds for ongoing maintenance. Jean Pinske asked to speak with Terry after the meeting to discuss other ideas. Aubrie will reach out to the Glacier Conservancy
- Mike Kopitzke, Mary McClelland, Monica Jungster, Terry Divoky and Aubrie Lorona have offered to be part of the By Laws Ad Hoc Committee. The meeting will be open to the public and the agenda will be posted in the post office. There was a request to supply the email addresses of the committee members to the group so that they can provide input. Mark Mussman agreed to send a copy of the bylaws to Mike. Terry has a second legal opinion on the bylaws that may not require us to change the residency requirement. An initial meeting is tentatively set for the week of September 21<sup>st</sup> or 28<sup>th</sup> in the evening.

New Business

- None

Discussion and Public Comments

**Public Attendees**

Jeff Baldelli

Monica Jungster

Trish McCarthy

Mary McLelland

Sharon Bengston

Mike and Mary Kopitzke  
Jean Pinski  
Jill Rocksund  
Dan Yuhas  
John Sowinski

- Mary McLelland – West Glacier Community Vision Plan. There will be a Zoom meeting on 8/26/20 at 6pm to go over the goals that have been put together thus far. This is the first meeting in this format
- Jill Rocksund - WGCPA – There was just enough money in the fund to renew the subscription to Constant Contact for another year. They have no projects right now, but she is confident that if the group needs money, they will be able to find the donors. Jill suggested WGCPA could be a part of fundraising for the overpass
- Monica Jungster – Wildfire Preparedness. Her announcement tonight was prompted by the fact that there was a short term rental on Sloan Road with a fire that got out of hand. There is a flyer available specifically directed toward short term rentals. Monica encourages us to help educate the visitors to be careful and watchful. There are some teaching opportunities here and she suggests this as a focus for the group down the line.
- Mike Kopitzke – Grizzly Spur. The access road to the Kopitzke's house and Whistle Stop. The owner sued the Swanberg family and the Kopitzke's to extinguish the easement on that road which they have been using since 1948. 13 of the 18 Swanbergs settled with the owner. The Kopitzke's settled last week to make Grizzly Spur their unencumbered access to their property.
- Jean Pinski – Friend of Lake Five. The group has an active lawsuit against the County to appeal its decision regarding Whistle Stop. The court date is tentatively set for January 2021. A month and a half ago, Friends of Lake Five applied for an injunction for the County to stop all decisions and actions regarding Whistle Stop which was granted on August 10<sup>th</sup>. No license has been issued to date for Whistle Stop and the owner has been renting all summer long and even after the August 10th injunction
  - Mark: The owner acquired the property prior to the update in the regulations (April 11, 2019) that added the requirement for short term rental licenses and was able to provide documentation showing that she had been doing short term rentals for that property prior to that date so that is classified as legal non-confirming use. The County pays insurance (via taxes) to protect them from lawsuits like this. Sewage disposal issues (such as the DEQ permit) are handled by Environmental Health not by FCPZ. The Whistle Stop owner is trying to upgrade the sewage disposal situation for the four existing cabins and has or will in the near future apply for the permit for that. Mark was not sure if the injunction is affecting the sewage disposal process. Last meeting Mike Kopitzke had asked about an inspection by the county. Mark confirmed that the county's code enforcement officer went and inspected on July 1 and no activity had occurred.
  - Mike Kopitzke asked Mark who to contact if there is violation to the injunction. Mark said that now that there is a lawsuit and injunction, all matters need to be discussed attorney to attorney. At this point, Mark is unaware of anyone monitoring the injunction because he hasn't seen it yet.
- Mark suggests working outdoor fires into our Seasonally Occupied Employee Housing by adding a performance standard prohibiting outdoor fires during certain times of year or certain fire ratings
- 58 acres between Belton Stage and Lake 5 sold and Jean reached out with a welcome letter introducing Friends of Lake Five. Terry is following up with a welcome letter specifically introducing MCLUAC along with a copy of the plan. Mark and Larry both suggested adding some pamphlets they have access to that welcome new residents to the county.
- Larry asked if there are any minor land use applications going on right now and Mark couldn't think of anything.
- The Hunter's Lair project appears to be on hold as of information Jill had from May. Mark hasn't heard anything new and now that the project is approved, the County is pretty much out of it.

Adjournment 8:05 p.m.

*Persons with a disability may request a reasonable accommodation by contacting Elaine Nelson at the Flathead County Commissioner's Office at 758-5501 or TTY (800) 335-7592, or call Montana Relay at 711. Requests should be made as early as possible to allow time to arrange the accommodation.*

*Any communication with the Flathead Planning and Zoning Office are subject to relevant State and Federal public record and information laws and regulations and may be disclosed without further notice to you.*

**How to contact the Middle Canyon Land Use Committee (MCLUAC)**

All correspondence goes to the Flathead Planning Office initially. Concerns, complaints or questions should be sent to [Planning.zoning@flathead.mt.gov](mailto:Planning.zoning@flathead.mt.gov); the office will respond within 24 hours.

Compliance complaints can be submitted by Middle Canyon residents by completing the compliant form provided online, attached to an email to the [Planning.zoning@flathead.mt.gov](mailto:Planning.zoning@flathead.mt.gov) office. Forms are also available at the Flathead County Planning and Zoning Office, 40-11<sup>th</sup> Street W, Kalispell MT

**Code compliance web page:**

[https://flathead.mt.gov/planning\\_zoning/codecompliance.php](https://flathead.mt.gov/planning_zoning/codecompliance.php)

**Complaint violation form:**

[https://flathead.mt.gov/planning\\_zoning/documents/ComplaintFormupdated12.19.16.pdf](https://flathead.mt.gov/planning_zoning/documents/ComplaintFormupdated12.19.16.pdf)